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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,050	10/04/1999	JULIAN SINAI	03932.P007	9159

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EXAMINER

KNEPPER, DAVID D

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 06/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/412,050

Applicant(s)

SINAI ET AL.

Examiner

David D. Knepper

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6 Feb 2003 (paper #8).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 6 February 2003 (papers 8) has been received and considered. Claims 1-70 are pending.

Drawings

2. The applicant argues that the claim limitations are clearly shown in figures 3, 5A, 5B and 15. Based on this description, the “graphical design tool” is illustrated with block 40 described in the specification as “the tool 40 may be written in any programming language suitable for generating a GUI environment for enabling a user to graphically manipulate objects on a display” (page 18, lines 7-8, specification). This indicates that the claimed “graphical design tool is intended to cover any GUI environment in any programming language. The applicant points out figures 5A, 5B and the description on page 27, which indicates that the speech objects are mapped to HTML fields but does not show any interaction with a person (presumably, the user). This indicates that “an operational link between a hypermedia page and a component” includes any mapping between standard HTML field and some other object related to speech. The applicant also points out figure 15 and its description on page 29, which provides example objects including “DepartureCity” and “SODepAirport”. “DepartureCity” is merely a string but SODepAirport” represents a speech object. The “dialog interaction between a person and a machine” is generic rather than specific.

Figure 1 labels 2, 4, 6, 8 and 12 were referenced from the specification on page 8 as argued.

The changes to figures 2, 5A and 5B are approved.

The applicant has overcome the objections to the drawings.

Claims

3. The rejection under 35 USC 112, second paragraph is withdrawn.

The applicant's arguments are persuasive in that the claims may be broad in scope. Therefore, the narrow interpretation in which the Examiner mentioned VoiceXML will not be relied upon. The claims will instead be interpreted literally since this is the broader interpretation will more closely follow the description as noted above in reference to the drawings.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-70 are rejected under 35 U.S.C. § 103 as being unpatentable over Marx (6,173,266) in view of Butler (6,141,724).

In general, the applicant is referred to figures 3, 4, 7 and 8 of Marx. Figure 3 shows that Marx uses a computer connected to the Internet allowing the user access to remote data and/or equipment using known methods available. Figure 7 shows a graphical representation of a user designed dialog and figure 8 shows speech dialog modules giving the user a variety of options.

This teaches the applicant's claims towards a graphical design tool that allows hypermedia links to the World Wide Web.

Claim 1-6: A "graphical design tool" is clearly shown in figure 7 and described in column 16, line 31 as showing graphical user interfaces (GUIs). "Operational link" is shown with his variety of connectors to link states and templates, col. 16, lines 39-40. "Spoken dialog interaction between a person and a machine" is taught by his dialogue module templates and instances is column 17, especially lines 38-41.

It is noted that Marx does not explicitly teach the terminology "hypermedia page" or "World Wide Web page". However, he teaches the connection to the Internet as noted above and even those of less than pedestrian skill know the Internet contains web pages. Butler teaches the use of explicit terminology to include web page in col. 3, lines 59-60 which teaches that the way to utilize remote equipment on the Internet is through web page access of a server. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to enable links between pages on the Internet in combination with the interactive speech dialogs of Marx because Butler teaches that links between a user and remote web pages can be used to enhance graphical design palettes (see figure 3 and column 4, line 53 to column 5, line 1). Butler explicitly teaches establishing links to a web page where he teaches that his design tool is in JAVA byte code (program code) as an applet and downloadable from the web page as controlled by the internet server software (column 3, lines 57-60) and T user runs the web browser 38, connects to the web page stored by the server 10 and requests 60 the application designer JAVA applet 32,(col. 4, lines 56-58). It is noted that he also teaches in column 5, lines

65-66 that the invention need not necessarily be limited to telephony applications as the general principles apply to most computer applications. Thus, it would have been obvious to control other computer software applications using the Internet based design tools of Marx and Butler.

Claims 7-35: “allowing a user to specify a correspondence between an element of said component and a element of the hypermedia page” (suggested with his figure 7 described in column 16, line 31 as showing graphical user interfaces (GUIs)...by creating states and instances of Dialogue Modules by “dragging and dropping” the appropriate icons into the main workspace); and

“functionally link said component with the hypermedia page” (suggested by his dialogue module templates and instances is column 17, especially lines 38-41). Additional vocabularies which define dialogues are taught by Marx in column 18, lines 50-56.

Claim 36-42: See claim 7 above. The use of a “query” is taught with his use of different types of connectors including a conditional connector which allows the service to proceed to the second icon only if a condition is satisfied, col. 16, lines 61-64, indicating that real-time processing must take place during the dialog to determine whether or not one or more conditions specified are satisfied.

Claims 43: Reference to a field of a Web page because GUIs inherently require the user to select an area either by positioning a cursor over a designated field or by placing something in a particular area (hence the terms select, drag and drop)

Claim 44-51: See claim 7 above. “Storing data” is taught by his use of a storage device 310, figure 3.

Claim 52-57. See claim 7 above. “Receiving user input” is obvious in view of Marx’s

teaching that the user may customize the dialogue modules (col. 17, lines 37-42) to include a valid response and vocabularies (col. 18, lines 49-56).

As per claim 58-70, “allowing a user of a computer to create content for use in a voice response system” (see Marx’s title):

“receiving first user input graphically specifying a spoken dialog” (his dialogue modules are graphically interconnected, abstract);

“storing first data representing a dialog flow” (his figure 3 showing the use of memory storage devices 306, 308 and/or 310 which allow standard storage of computer related data);

“receiving second user input graphically specifying a correspondence between a field of a hypermedia page and a property of one of said components” (suggested in figure 7 where graphical interconnections between objects of varying properties is shown – see also Butler as noted above who explicitly teaches the use of web page connections); and

“storing second data representing the correspondence based on the second user input...” (this is also taught by the storage devices 306, 308 and/or 310 in combination with the link via web page to remote server as taught by Butler. The storage devices of Marx alone are sufficient because they allow storage of more than 2 elements of data that the user may choose to input to a computer. However, Butler additionally teaches that remote storage would be obvious such that storage could also exist on any server on the Internet to which the user has access because this is a typical use of servers. It is noted that claim 60 includes a “third” user input which also fails to differentiate over the prior art because figure 7 of Marx and figure 3 of Butler show that the number of elements that can be input by the user is not specifically limited).

Synthesizing speech from text is taught by Marx in column 18, line 40 with his text-to-speech synthesizer.

Remarks

6. The applicant's arguments regarding the drawings, 112 and 103 rejections have been addressed above.

The prior art rejection is maintained and additional comments on various claims appear above in order to help the applicant interpret the claim language properly in view of the prior art.

The applicant's statement regarding the rejection under 35 USC 103 on page 7-8 of paper #8 indicates failure to consider the prior art as applied since it clearly shows the claimed subject matter. On page 8, the applicant argues that Marx and Butler fail to show graphically creating an operational link between a hypermedia page and a component that defines a spoken dialog interaction between a person and a machine. By definition, "hypermedia" includes text, graphics, audio or video as well as other combination(s) of data on a computer. Also, by definition, a "web page" is a hypermedia document as viewed through a World Wide Web browser. The applicant's argument would contradict the average person's understanding of these terms as they apply to the instant invention and the prior art of record.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

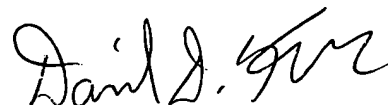
TC2600 Fax Center
(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (703) 305-9644. The examiner can normally be reached on Monday-Thursday from 07:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (703) 305-4379.

Any inquiry of a general nature or relating to the status of this application should be directed to customer service whose telephone number is (703) 306-0377.



David D. Knepper
Primary Examiner
Art Unit 2654
June 2, 2003